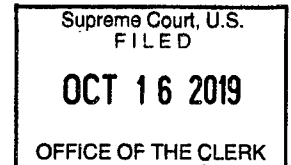


No. 19-6447

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



CHARLES DONELSON — PETITIONER
(Your Name)

vs.

Welford HealthSource — RESPONDENT(S) etc.

ON PETITION FOR A WRIT OF CERTIORARI TO

Seventh Circuit Court of Appeal U.S.
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Charles Donelson
(Your Name)

700 Lincoln / PO Box 99
(Address)

Portia IL 61264
(City, State, Zip Code)

NA
(Phone Number)

QUESTION(S) PRESENTED

Whether The power applied in this case to assert Judicial authority was Contrary to this and other Circuits in light of the whole record.

Whether the 7 circuit abuse of discretion review is Contrary to that of the other Circuits. as applied to this case.

Whether Dismissal, Cost as applied in this case proportional and appropriate

Whether the seventh circuit failure to hold a hearing to find Bad Faith was a sufficient process

Whether the seventh circuit Illinois Local rules are applied universally in all District Court.

LIST OF PARTIES

- [] All parties appear in the caption of the case on the cover page.
- [✓] All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

DARRISE HARDY

WEXFORD HEALTH SOURCES INC

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TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

CHAMBERS v NASCO INC. 501 us 32 (1991)

Id

Rockwell Graphic sys, Inc v Devindus 91 F3d 914, 220 (7th 1996)

Id

Mencil v United state 508 us 106 (1993) Local Rule

Id

Young v us 481 us 787 (1987)

Id

STATUTES AND RULES

28 usc 1254

Id

28 usc 1915

Id

18 usc 401

Id

OTHER

Id

FRCP 53 (2) (A)

Id

FRCP 30 (a) (2)

FRCP 59

Id

FRCP 37

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from federal courts:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

☒ reported at _____; or,
☒ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix C to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

☐ For cases from state courts:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☒ For cases from federal courts:

The date on which the United States Court of Appeals decided my case was July 9 2019 Publish July 19 2019

☐ No petition for rehearing was timely filed in my case.

☒ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: Aug 14 2019, and a copy of the order denying rehearing appears at Appendix B.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A. SEE G

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from state courts:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. CONST. ART. 3, Section 2.

U.S. CONST ART 7. 6th 7th, 14 Amendments.

DUE PROCESS, TRIAL

F.R.C.P., 59, 81

28 U.S.C. 1291, 1292, 1254, 1257

18 U.S.C. 401

my prison refuse to provide me the U.S. Constitution
or Statutory I am currently in Disciplinary
Segregation. I will seek to Supplement with

STATEMENT OF THE CASE

Appellant/Petitioner Charles Donelson a n inmate incarcerated in Stateville (then) of Illinois Department of Correction at all relevant times to his Fourth Amended Complaint housed at the Northern Reception and Classification Center, which is a temporary placement pending IDOC housing. Wexford Health Sources Inc is a private corporation which contract with IDOC to provide medical service to inmates. Darrise Hardy LPN License to practice in Illinois who works for Wexford as an as-needed nurse primarily at Stateville and NRC. On February 19 2014 Donelson filed a prose complaint pursuant to 42 U.S.C § 1983 against several defendants including an unidentified nurse Donelson claim she was Deliberate Indifference to his Asthma on 12-30-13 on Dec 1 2014 the District Court Screen and sent the case to the Magistrate Judge for Discovery Supervision and the setting of Discovery and dispositive motion Schedules. The Claims of Condition of Confinement and retaliation Deliberate Indifference. Donelson was appointed Counsel. After learning of a conflict of interest Counsel moved to be relief and withdraw. Counsel was terminated and new Counsel was recruited. Once Counsel had filed the Fourth Amended Complaint on behalf which is the operative of Complaint. The Amended Complaint named 22 defendants.

STATEMENT OF THE CASE

With regard to Hardy and Wexford, Donelson claims were
hardy violated his rights under the Eighth Amendment
by retaliating against him for filing a previous lawsuit on her
ex boyfriend ensuring that Donelson would not be seen by
a doctor on processing day and being Deliberate Indifferent to
his medical needs. As a Dispute arise between me and counsel
I moved for new recruitment. Eventually Counsel filed a
motion to withdraw the court granted that motion. Donelson
settled with the state Defendants. The court granted leave
for defendant to depose Donelson. The entire Deposition
transcript is being attached. Donelson had requested Counsel
to call the U.S. District Judge to which the Counsel for Defendant
said, "MR Donelson, I will say for the record here I have a feeling
every time we call the judge every time you object we are going to
have to call the judge on each and every question I am not
going to waste the judge's time, you are going to answer my question"
361-1 Page 20 line 5-9. The relationship with Counsel and plaintiff
was on edge from day one. The Appellate Court and District Court
took Excerpt from the transcript. The Appellate Court had
identified 3 problems (1) conflict with recruited Counsel, (2) false
assertion that Wexford refuse to respond to document request (3)
Obstructive behavior during Deposition. The Defendants
file summary judgment This prompt the District Court
to issue a order to show cause why this court should

~~REASONS FOR GRANTING THE PETITION~~

Donelson responded. The District then Dismiss with Prejudice for Behavior in Deposition. And then after Defendant Fik Cost awarded Cost Donelson appeal. The SEVENTH Circuit held the Sanction was warranted.

PETITIONER now appeal to this Court.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

STATED IN THE BODY

STATEMENT OF THE CASE

STATED IN THE BODY

REASONS FOR GRANTING THE PETITION

THE SEVENTH CIRCUIT APPLIED ITS INHERENT POWER
CONTRARY TO THAT OF OTHER CIRCUITS AND CONTRARY TO
CHAMBERS V NASCO INC 501 U.S. 32 (1991)
ROCKWELL GRAPHIC SYS INC V DEVINDUS 91 F.3d 914, 926 (7th 1996)
MCNEIL V UNITED STATES 508 U.S. 106 (1993)
YOUNG V US 481 U.S. 787 (1987)
FRCP 83(b)(1) FRCP 30(a)(2) FRCP 59 FRCP 37

CONTINUED

REASONS FOR GRANTING THE PETITION

The Seventh Circuit Abuse of discretion review stated that there source relevant exist in this case.

The Court held Doneelson acted in bad faith for Doneelson was not Confuse by questions asked but refused to answer about the merit such questions were, Did i ever received medical care prior to 2013 at IDOC. The Court review that Doneelson willfully abuse the judicial process or Litigate in Bad Faith

Doneelson obey the order the Courts order

There was no evidence provided by the Defendant that deponent Impeded, delay or frustrate a fair examination
The court didn't Consider any other option

The Circuit Court held Petitioner's misconduct was extensive. The Court based its reasoning on the transcript. First it was not the Court pointed to that it was extremely. The air condition was loud, Petitioner had a medical condition couple with asthma. Yet, throughout the transcript Petitioner had eventually answered the questions. Far as the contraband traffic. This goes toward the problem I had getting inhaler. Since it was such a problem yet it was a point, not a disregard or accusation. Next the Court points to the deeming questions irrelevant. This Court has not upheld any dismissal for such incident for due process violates because Court limited factual inquiry to manner excluding relevant question of fact. The record would show the counsel stating he would not call the Court. There was previous abuse by counsel to me just showing up with no notice of a deposition. But a issue with criminal incarceration was a

CONtrAversy for I am wrongfully convicted and my sentence was void others should had been made spread of record or certifying by filing a motion to Compel.

AS for the issue with Counsel recruited being dishonesty there was no full inquiry as to this issue and should violate Due Process.

Far as Wexford the record here is based on words not the actual record the purpose for a motion to Compel has to have the records in question. The Court assume that the Wexcan note were what I inquired those records involve nothing to do with this case or request. There was a problem with Wexford sending records in prison all legal mail must be signed for. There was none at the time with disputes so we employ a way to get legal mail. It was problems without a complete record the issue was bias. The second magistrate judge the first tried to basically force me to settle. Counsel was provocative. The Court holding a fine or warning.

The Court also held the harm was Substantial. The Court said by lying to avoid giving evidence Donelson essentially falsified testimony to secure a Court victory undermines the most basic foundation of our judicial system. The Court has a case so egregious that it did not liken Donelson case to *it* Rivera, a Wisconsin case. Donelson Admission Date show December 30, 2013. Previous conviction had been vacated thus making me a new inmate. Prior to 2013 December 30, as question asked I answer I don't recall but explain indirectly why.

Finally the court said the case was weak because Donelson, a pro se litigator did not properly oppose the defendant's statement of undisputed facts which said Donelson could get an inhaler at any time. This is false. The Court said I could get an inhaler at the Commissary. In prison an inhaler had to be by prescription order in prison.

But Donelson did respond opposing Defendant's Statement of undisputed facts. Pursuant to Federal Rules of Civil Procedure 83 (2) Local Rule says requirements of form. A Local rule imposing a requirement of form must not be enforced in a way that cause a party to lose right because of a non-willful failure to comply. In Illinois there are three Districts, Northern, Central, and Southern. Central and Southern does not enforce a local rule that the way the Northern District does. Summary judgment was in my favor and should had been tried but due to the deposition is sum Wexford ~~offer~~ ~~for~~ misrepresentation. Affidavits-Mcneil v. U.S. 508 U.S. 106 (1996)

On the judgment of Civil Case the District Court did not mark the appropriate box if it had plan on awarding costs. The reasons this Court shall Grant Vacate and reverse the seventh circuit.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Charles D. Smith

Date: 10-4-18